## SUPREME COURT MINUTES THURSDAY, FEBRUARY 21, 2008 SAN FRANCISCO, CALIFORNIA

**S144831** C047734 Third Appellate District

METCALF (THOMAS) v. COUNTY OF SAN JOAQUIN

Opinion filed: Judgment affirmed in full.

Opinion by: Chin, J.

----joined by: George, C. J., Kennard, Baxter, Moreno, and Corrigan, JJ.

Concurring and dissenting opinion by: Werdegar, J.

S155242 B182880 Second Appellate District, Div. 8

CHRISTOFF (RUSSELL) v. NESTLE USA, INC.

Issues ordered limited.

The issues to be briefed and argued do not include the following additional issues for review proposed by defendant Nestle USA, Inc., in its answer to the petition for review: 1) A right of publicity claim for profits under Civil Code section 334 is subject to the one-year statute of limitations governing a statute for a penalty, 2) A statutory right of publicity claim, unlike a common law claim, requires knowledge by the defendant that it did not have consent to use the plaintiff's likeness, and 3) The Court of Appeal violated Code of Civil Procedure section 629 by ordering a retrial on plaintiff's claim for profits under Civil Code section 3344 even though it held plaintiff had failed to present substantial evidence supporting that claim. The application to file an answer brief in excess of 14,000 words filed by defendant Nestle USA, Inc., on February 19, 2008, is denied. Defendant Nestle USA, Inc., is granted an extension of time to March 5, 2008, to file its answer brief.

S029489

PEOPLE v. HOWARD (ALPHONSO)

Time extended to consider modification or rehearing.

The time for granting or denying rehearing in the above-entitled case is hereby extended to May 19, 2008, or the date upon which rehearing is either granted or denied, whichever occurs first.

S159142 C048241 Third Appellate District

PEOPLE v. MURPHY (MARQUIEST LEON)

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2008.

S159321 D047341 Fourth Appellate District, Div. 1 PEOPLE v. MARTIN (ROBBIE)

The time for granting or denying review in the above-entitled matter is hereby extended to March 25, 2008.

S159336 A113827 First Appellate District, Div. 3 PEOPLE v. CONERLY (DOUGLAS)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159410 E040848 Fourth Appellate District, Div. 2 **PEOPLE v. COBB, JR. (ROY)** The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159432 B190809 Second Appellate District, Div. 5 HUNTER (LA RONDA) v. GENERAL MOTORS CORPORATION

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159456 D050397 Fourth Appellate District, Div. 1 PEOPLE v. SOSA (JOAQUIN JESUS)

The time for granting or denying review in the above-entitled matter is hereby extended to April 1, 2008.

S159491 E041250/E041537 Fourth Appellate District, Div. 2 PEOPLE v. LEONARD (DANNY RAY)

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159497 B179600 Second Appellate District, Div. 4 PEOPLE v. RODRIGUEZ (JUAN)

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159506 C057518 Third Appellate District ROBINSON III (ALTON BERTRAND) v. S.C. (CITY OF STOCKTON)

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159508 A119885 First Appellate District, Div. 3 LOPEZ (JESUS) ON H.C. The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159530 B203899 Second Appellate District, Div. 4 REMBERT (GEORGE) ON H.C.

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159537 B194359 Second Appellate District, Div. 6 PEOPLE v. SHELLHOUSE (DENNIS)

The time for granting or denying review in the above-entitled matter is hereby extended to April 1, 2008.

S159541 A105399 First Appellate District, Div. 2 PEOPLE v. WIGLEY (ROBERT ALLEN)

The time for granting or denying review in the above-entitled matter is hereby extended to April 1, 2008.

S159552 E041763 Fourth Appellate District, Div. 2 C. (GONZALVO), IN RE The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159557 C051452 Third Appellate District PEOPLE v. RAINONE (JAMES ANTHONY)

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159560 G038687 Fourth Appellate District, Div. 3 PEOPLE v. NAJAR (SANTIAGO MURILLO)

The time for granting or denying review in the above-entitled matter is hereby extended to April 1, 2008.

S159587 B193238 Second Appellate District, Div. 2 PEOPLE v. REYNA (HECTOR)

The time for granting or denying review in the above-entitled matter is hereby extended to April 1, 2008.

S159596 E040215 Fourth Appellate District, Div. 2 HOME DEPOT OVERTIME CASES

The time for granting or denying review in the above-entitled matter is hereby extended to March 28, 2008.

S159602 B193857 Second Appellate District, Div. 2 PEOPLE v. PARADA (MILTON)

The time for granting or denying review in the above-entitled matter is hereby extended to April 1, 2008.

S159607 B194107 Second Appellate District, Div. 6 PEOPLE v. CLIFTON (WILLIAM E.)

The time for granting or denying review in the above-entitled matter is hereby extended to April 2, 2008.

S159608 C053175 Third Appellate District PEOPLE v. DORRIS (NATHAN ANTHONY)

The time for granting or denying review in the above-entitled matter is hereby extended to April 10, 2008.

S159612 G036608 Fourth Appellate District, Div. 3 PEOPLE v. MARTINEZ (HERMILIO)

The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2008.

**S159613** C051473 Third Appellate District **PEOPLE v. HER (KINSON)** The time for granting or denying review in the above-entitled matter is hereby extended to April 7, 2008.

S159636 E041401 Fourth Appellate District, Div. 2 PEOPLE v. SORIA (FERNANDO)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159638 A114581 First Appellate District, Div. 3 PEOPLE v. TORRES (MARTIN LUNA)

The time for granting or denying review in the above-entitled matter is hereby extended to April 7, 2008.

S159646 C057252 Third Appellate District HOGUE (BRIAN) ON H.C. The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159666 G036847/G038319 Fourth Appellate District, Div. 3 PEOPLE v. WOLFE (TERRY LANCE)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159673 B192745 Second Appellate District, Div. 2 PEOPLE v. BEALL (MERLIN G.)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159686 C049551 Third Appellate District

PEOPLE v. PATE (JEFFREY ALLEN)

The time for granting or denying review in the above-entitled matter is hereby extended to April 7, 2008.

S159691 C049394 Third Appellate District

PEOPLE v. POPE (JACOBY NEHAMIAH)

The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2008.

S159692 H029971 Sixth Appellate District (MARTIN

PEOPLE v. JENSEN

**JAMES**)

The time for granting or denying review in the above-entitled matter is hereby extended to April 7, 2008.

S159696 B188042 Second Appellate District, Div. 7

PEOPLE v. LINCOLN

(ANDREW)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159697

G037695 Fourth Appellate District, Div. 3

PEOPLE v. FLORES (JUAN

**JUNIOR**)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159698

A113232 First Appellate District, Div. 1

PEOPLE v. SHEPHERD

(TAYLOR ROY)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159708

B190414 Second Appellate District, Div. 6

PEOPLE v. ZAVALA

(FERNANDO)

The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2008.

S159710 B192017 Second Appellate District, Div. 6 MIDLAND PACIFIC BUILDING CORPORATION v. KING (JOHN E.)

The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159732 C057535 Third Appellate District CLARK (MARK) ON H.C. The time for granting or denying review in the above-entitled matter is hereby extended to April 3, 2008.

S159737 B201675 Second Appellate District, Div. 4 PHILLIPS (AHMAD) ON H.C. The time for granting or denying review in the above-entitled matter is hereby extended to April 4, 2008.

S159747 E040153 Fourth Appellate District, Div. 2 PEOPLE v. MERCADO (JUAN ESQUIVES)

The time for granting or denying review in the above-entitled matter is hereby extended to April 8, 2008.

S159757 D049201 Fourth Appellate District, Div. 1 BUTLER (DONALD) v. RAND (INGERSOLL)

The time for granting or denying review in the above-entitled matter is hereby extended to April 8, 2008.

S159758 B192792 Second Appellate District, Div. 5 PEOPLE v. JONES (OSWALD PITTS)

The time for granting or denying review in the above-entitled matter is hereby extended to April 9, 2008.

S159802 G037225 Fourth Appellate District, Div. 3 ORTIZ (RAE F.) v. LYON MANAGEMENT GROUP, INC.

The time for granting or denying review in the above-entitled matter is hereby extended to April 8, 2008.

S159821 G037287/G037760 Fourth Appellate District, Div. 3 TRUJILLO (ROBERT) v. FIRST AMERICAN REGISTRY, INC.

The time for granting or denying review in the above-entitled matter is hereby extended to April 8, 2008.

S159846 B203715 Second Appellate District, Div. 8 ZAHORIK (MARTIN A.) v. S.C. (PEOPLE)

The time for granting or denying review in the above-entitled matter is hereby extended to April 10, 2008.

S159848 B193832 Second Appellate District, Div. 6 PEOPLE v. LARKIN (SHONDEL LAMAR)

The time for granting or denying review in the above-entitled matter is hereby extended to April 10, 2008.

S159852 B192022 Second Appellate District, Div. 2 PEOPLE v. ESTOPANI (MARCOS ABRAHAM)

The time for granting or denying review in the above-entitled matter is hereby extended to April 10, 2008.

S159853 A120059 First Appellate District, Div. 3 MITCHELL ENGINEERING v. S.C. (CITY AND COUNTY OF SAN FRANCISCO)

The time for granting or denying review in the above-entitled matter is hereby extended to April 10, 2008.

S022998 PEOPLE v. TOWNSEL (ANTHONY LETRICE)

Extension of time granted.

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's opening brief by May 2009, counsel's request for an extension of time in which to file that brief is granted to April 25, 2008. After that date, only seven further extensions totaling about 390 additional days will be granted.

PEOPLE v. JOHNSON (JOE EDWARD)

Extension of time granted.

Good cause appearing, and based upon Supervising Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the appellant's opening brief by January 18, 2009, counsel's request for an extension of time in which to file that brief is granted to April 21, 2008. After that date, only five further extensions totaling about 270 additional days are contemplated.

S030402

PEOPLE v. TULLY (RICHARD)

Extension of time granted.

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the appellant's reply brief by December 31, 2008, counsel's request for an extension of time in which to file that brief is granted to May 1, 2008. After that date, only four further extensions totaling

about 240 additional days will be granted.

S033149

PEOPLE v. WEAVER (LATWON)

Extension of time granted.

Good cause appearing, and based upon Deputy Attorney General Angela M. Borzachillo's representation that she anticipates filing the respondent's brief by March 22, 2008, counsel's request for an extension of time in which to file that brief is granted to March 24, 2008. After that date, no further extension will be granted.

S045696

PEOPLE v. GARCIA (RANDY EUGENE)

Extension of time granted.

Good cause appearing, and based upon Deputy Attorney General Russell A. Lehman's representation that he anticipates filing the respondent's brief by the end of June 2008, counsel's request for an extension of time in which to file that brief is granted to April 15, 2008. After that date, only one further extension totaling about 75 additional days is contemplated.

PEOPLE v. DALTON (KERRY LYN)

Extension of time granted.

Good cause appearing, and based upon Supervising Deputy State Public Defender Denise Anton's representation that she anticipates filing the appellant's reply brief by November 2008, counsel's request for an extension of time in which to file that brief is granted to April 22, 2008. After that date, only four further extensions totaling about 210 additional days will be granted.

S058734

PEOPLE v. HOLMES (KARL), MCCLAIN (HERBERT) & NEWBORN (LORENZO)

Extension of time granted.

Good cause appearing, and based upon Deputy Attorney General Deborah J. Chuang's representation that she anticipates filing the respondent's brief by December 31, 2008, counsel's request for an extension of time in which to file that brief is granted to April 29, 2008. After that date, only four further extensions totaling about 240 additional days are contemplated.

S077166

PEOPLE v. MCKINNON (CRANDELL)

Extension of time granted.

Good cause appearing, and based upon Deputy State Public Defender C. Delaine Renard's representation that she anticipates filing the appellant's reply brief by August 31, 2008, counsel's request for an extension of time in which to file that brief is granted to April 30, 2008. After that date, only two further extensions totaling about 120 additional days are contemplated.

S089478

PEOPLE v. MAI (HUNG THANH)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 21, 2008.

S094890

PEOPLE v. MANIBUSAN (JOSEPH KEKOA)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 25, 2008.

PEOPLE v. KOPATZ (KIM RAYMOND)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 21, 2008.

S101247

PEOPLE v. VARGAS (EDUARDO D.)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 21, 2008.

S102166

PEOPLE v. SIMON (RICHARD NATHAN)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 25, 2008.

S103087

PEOPLE v. POST (JOHN LEVAE)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 21, 2008.

S105908

PEOPLE v. GHOBRIAL (JOHN SAMUEL)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to April 28, 2008.

## HOYOS (JAIME ARMANDO) ON H.C.

Extension of time granted.

Good cause appearing, and based upon counsel Michael R. Snedeker's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 14, 2008, counsel's request for an extension of time in which to file that document is granted to April 14, 2008. After that date, no further extension is contemplated.

S150208

FRIEND (JACK WAYNE) ON H.C.

Extension of time granted.

Good cause appearing, and based upon Senior Deputy State Public Defender Evan Young's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by May 2008, counsel's request for an extension of time in which to file that document is granted to April 28, 2008. After that date, only one further extension totaling about 30 additional days is contemplated.

S152387

S153917

LUNDIN (CHRISTOPHER) ON H.C.

Extension of time granted.

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to the informal response is extended to March 27, 2008.

Extension of time granted.

PEOPLE v. DUFF (JAMES EDWARD)

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's answer brief on the merits is hereby extended to April 18, 2008.

G036562 Fourth Appellate District, Div. 3

S155823 B189049 Second Appellate District, Div. 4 PEOPLE v. MEDINA (JOSE JESUS)

Extension of time granted.

On application of respondent and good cause appearing, it is ordered that the time to serve and file respondent's reply brief on the merits is extended to March 26, 2008.

S156163

FREEMAN (FRED H.) ON H.C.

Extension of time granted.

Good cause appearing, and based upon counsel Shelley J. Sandusky's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by April 28, 2008, counsel's request for an extension of time in which to file that document is granted to April 28, 2008. After that date, no further extension is contemplated.

S156537 C052049 Third Appellate District

PEOPLE v. WAGNER (DAVID ERIC)

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 10, 2008.

**S156775** F050212 Fifth Appellate District

PEOPLE v. RAMIREZ (JESSIE JOSE)

Extension of time granted.

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to March 20, 2008.

S157820 C053172 Third Appellate District

PEOPLE v. TRAYLOR (DALE)

Extension of time granted.

On application of respondent and good cause appearing it ordered that the time to serve and file the opening brief on the merits is extended to March 28, 2008.

S158965 H029602 Sixth Appellate District

REID (BRIAN) v. GOOGLE, INC.

Extension of time granted.

On application of respondent and good cause appearing, it is ordered that the time to serve and file the opening brief on the merits is extended to March 28, 2008.

## SAN NICOLAS (RODNEY JESSE) ON H.C.

Extension of time granted.

Good cause appearing, and based upon Supervising Deputy Attorney General Charles A. French's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by April 30, 2008, counsel's request for an extension of time in which to file that document is granted to April 30, 2008. After that date, no further extension is contemplated.

S059653

PEOPLE v. MILLS (JEFFERY JON)

Counsel appointment order filed.

The order appointing James M. Fahey, now deceased, as appellate counsel of record for appellant Jeffery Jon Mills, filed June 19, 2001, is hereby vacated. On the court's own motion, Ezra Hendon is hereby appointed to represent appellant Jeffery Jon Mills for the direct appeal in the above automatic appeal now pending in this court.

S157932 D049566 Fourth Appellate District, Div. 1 **PEOPLE v. CEJA (RAFAEL)** Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Richard De La Sota is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must served and filed on or before 30 days from the date of this order.

S158043 D049525 Fourth Appellate District, Div. 1 C. (JOSE), IN RE Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Kurt David Hermansen is hereby appointed to represent appellant on the appeal now pending in this court. Appellant's brief on the merits must be served and filed on or before thirty (30) days from the date of this order.

S158828 B183267 Second Appellate District, Div. 4 PEOPLE v. BOCANEGRA (JAVIER)

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, John A. Colluci is hereby appointed to represent appellant on the appeal now pending in this court.

S158873 E042070/E043099 Fourth Appellate District, Div. 2 PEOPLE v. CHAFFEE (TERRY LYNN)

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Theresa Osterman Stevenson is hereby appointed to represent appellant on the appeal now pending in this court.

S111336

FIGUEROA (VICENTE BENAVIDES) ON H.C.

Order filed.

In light of the court's January 23, 2008, order, the February 29, 2008, due date for the filing of respondent's informal response to the petition for writ of habeas corpus is vacated. The informal response will be due within 30 days of service and filing of the corrected amended petition for writ of habeas corpus.

**S145571** B182104/B184127/B184549 Second Appellate District, Div. 1

SANTA MONICA, CITY OF v. GONZALEZ (GUILLERMO)

Request for judicial notice granted.

The request of Respondent and Real Party in Interest City of Santa Monica for judicial notice of four documents (exhibits A through D) is granted in part and denied in part, as follows. The request for judicial notice of exhibits A and B is granted. The request for judicial notice of exhibits C and D is denied.

**S145571** B182104/B184127/B184549 Second Appellate District, Div. 1

SANTA MONICA, CITY OF v. GONZALEZ (GUILLERMO)

The request of Amicus Curiae Bet Tzedek Legal Services and others for judicial notice of 11 documents (exhibits A through K) is granted in part and denied in part, as follows. The request for judicial notice of exhibit K is granted. The request for judicial notice of exhibits A through J is denied.

S159064 WANVIG ON DISCIPLINE

Recommended discipline imposed. It is hereby ordered that JOHN FREELAND WANVIG, State Bar No. 120390, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in

accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment. \*(See Bus. & Prof. Code, Section 6126, subd. (c).)

#### S159075

## BLACKBURN ON DISCIPLINE

Recommended discipline imposed. It is ordered that JENNIFER FAY BLACKBURN, State Bar No. 214781, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on October 23, 2007. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See Segretti v. State Bar (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

#### S159077

#### **EDWARDS ON DISCIPLINE**

Recommended discipline imposed. It is ordered that JOHN HENRY EDWARDS III State Bar No. 52343, be suspended from the practice of law for four years and until he makes restitution as set forth below, and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that respondent be placed on probation for five years on condition that he be actually suspended for one year and until he makes restitution to Maria Escalante in the amount of \$1,000 plus 10 percent interest per annum from January 13, 2001, (or to the Client Security Fund to the extent of any payment from the fund to Maria Escalante, plus interest and costs, in accordance with section 6140.5) and has furnished satisfactory proof thereof to the State Bar's Office of Probation. Any restitution owed to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivision (c) and (d). Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on October 24, 2007. Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. & Prof. Code Section 6126, subd. (c).)

#### SASSE ON DISCIPLINE

Recommended discipline imposed. It is ordered that JOYCE C. SASSE, State Bar No. 107592, be suspended from the practice of law for two years, that execution of suspension be stayed, and that she be placed on probation for two years on condition that she be actually suspended for 30 days. Respondent is also ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed October 9, 2007. It is further ordered that she take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

#### S159226

## RODRIGUEZ ON DISICPLINE

Recommended discipline imposed. It is ordered that STEPHEN A. RODRIGUEZ, State Bar No. 219019, be suspended from the practice of law for six months, that execution of the suspension be stayed, and that he be placed on probation for one year subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on November 6, 2007. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and one-half of said costs be paid with membership fees for the years 2009 and 2010. It is further ordered that if respondent fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rule. Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

### S159066

### **STRONG ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending. The voluntary resignation of ROGER ALAN STRONG, State Bar No. 106390, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

#### S159067

#### **VALE ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending. The voluntary resignation of RICHARD ALLAN VALE, State Bar No. 147859, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

#### S159069

# SHERMAN ON RESIGNATION

Resignation accepted with disciplinary proceeding pending. The voluntary resignation of LESLIE JAMES SHERMAN, State Bar No. 140366, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

#### S159071

#### OSIO ON RESIGNATION

Resignation accepted with disciplinary proceeding pending. The voluntary resignation of SALVATORE PATRICK OSIO, State Bar No. 34322, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

#### **DUGGAN ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending. The voluntary resignation of DEBORAH ANN DUGGAN, State Bar No. 113112, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should she hereafter seek reinstatement. It is ordered that she comply with rule 9.20 of the California Rules of Court and that she perform the acts specified (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

#### S159229

#### **VU ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending. The voluntary resignation of HAO-NHIEN QUI VU, State Bar No. 177529, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

#### S159231

#### **RAY ON RESIGNATION**

Resignation accepted with disciplinary proceeding pending.

The voluntary resignation of DAVID DRAKE RAY, State Bar No. 228428, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

Resignation accepted with disciplinary proceeding pending. The voluntary resignation of ALAN B. KAITZ, State Bar No. 146424, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 9.20 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* It is recommended that costs be awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

\*(See Bus. and Prof. Code, Section 6126, subd. (c).)

#### S160631

#### APPELT ON RESIGNATION

Voluntary resignation accepted. The voluntary resignation of GARY NEIL APPELT, State Bar No. 53077, as a member of the State Bar of California is accepted.

#### S160632

#### **AYERS ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of KENNETH D. AYERS, State Bar No. 124502, as a member of the State Bar of California is accepted.

S160633

BENOWITZ ON RESIGNATION

Voluntary resignation accepted.

The voluntary resignation of LANCE E. BENOWITZ, State Bar No. 177421, as a member of the State Bar of California is accepted.

S160634

BERCOVICI ON RESIGNATION

Voluntary resignation accepted. The voluntary resignation of MARTIN WILLIAM BERCOVICI, State Bar No. 44121, as a member of the State Bar of California is accepted.

### S160635

### **BLAIR ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of PENELOPE CLARK BLAIR, State Bar No. 70184, as a member of the State Bar of California is accepted.

## S160680

#### **COHAN ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of PHILIP L. COHAN, State Bar No. 234812, as a member of the State Bar of California is accepted.

## COVERDALE ON RESIGNATION

Voluntary resignation accepted. The voluntary resignation of WILLIAM ALBERT COVERDALE, State Bar No. 28043, as a member of the State Bar of California is accepted.

#### S160682

#### **EDLING ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of DAVID VICTOR EDLING, State Bar No. 73338, as a member of the State Bar of California is accepted.

#### S160683

#### **FLYNN ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of GARY KENTON FLYNN, State Bar No. 61138, as a member of the State Bar of California is accepted.

## S160684

#### FOSTER ON RESIGNATION

Voluntary resignation accepted. The voluntary resignation of THOMAS ELDREDGE FOSTER, State Bar No. 76435, as a member of the State Bar of California is accepted.

#### S160685

## **GRAHAM ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of CARL O. GRAHAM, State Bar No. 155784, as a member of the State Bar of California is accepted.

## S160687

## **GRECO ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of F. JAMES GRECO, State Bar No. 76599, as a member of the State Bar of California is accepted.

#### S160688

#### HARRIS ON RESIGNATION

Voluntary resignation accepted. The voluntary resignation of JOHN TIMOTHY HARRIS, State Bar No. 61429, as a member of the State Bar of California is accepted.

## S160689

## **HILL ON RESIGNATION**

Voluntary resignation accepted. The voluntary resignation of STEVEN MICHAEL HILL, State Bar No. 104009, as a member of the State Bar of California is accepted.

# KENNEDY ON RESIGNATION

Voluntary resignation accepted. The voluntary resignation of MIRIAM RICCA KENNEDY, State Bar No. 118514, as a member of the State Bar of California is accepted.